

REMARKS/ARGUMENTS

Claims 1-57 are pending in the above application.

The Office Action dated July 13, 2009, has been received and carefully reviewed. In that Office Action, claims 1-8, 12-38 and 42-57 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,946,386 to Rogers. Claims 9-11 and 39-41 were objected to as being dependent upon rejected base claims but were indicated to be allowable if amended to include the limitations of their base claims. It is believed that the pending claims patentably distinguish over the art of record, and reconsideration and allowance of claims 1-8, 12-38 and 42-57 is respectfully requested in view of the following remarks. Because all claims are believed to be allowable, the objected-to claims, claims 9-11 and 39-41, are not being rewritten in independent form at this time.

Claim 1 recites a network device adapted to process a call between the network device and a first other network device. The network device includes a user interface adapted to receive a user input requesting a call transfer to a second other network device and a call transfer function responsive to the user input to deliver call transfer functionality. Upon receipt of user input, the call transfer function is adapted to a) initiate a connection from the network device to the second other network device and b) send a first message to the first other network device containing a reference to the second other network device. The Office Action indicates that each of these limitations is disclosed in Rogers. However, the Office Action does not indicate which element of Rogers is believed to correspond to the recited "network device." It is respectfully submitted that Rogers performs call transfer functions using a PBX and/or line cards at a central telephone office in a conventional manner and does not disclose a network

device as recited in claim 1.

The Office Action appears to interpret Rogers' call management computer 101 and Rogers' user workstation computer 114 as the claimed "network device." It is respectfully submitted that neither of these elements of Rogers satisfy all limitations of claim 1. Moreover, it is respectfully submitted that there is no basis for treating call management computer 101 and user workstation computer 114 as a single "network device." If the rejection of claim 1 is not withdrawn, it is respectfully requested that the examiner identify the element of Rogers that is believed to correspond to the recited "network device" so that the basis for this rejection will be apparent from the record. If the examiner is somehow interpreting two discrete elements of Rogers as satisfying the network device limitation of claim 1, it is respectfully requested that the examiner confirm this interpretation and provide a legal basis for such an interpretation.

If the examiner is interpreting call management computer 101 as the "network device," it is respectfully submitted that this element lacks a user interface adapted to receive user input to deliver call transfer functionality as recited in claim 1. Even the Office Action refers to the user's workstation 114 as the device that includes a user input. Call management computer 101 does not include a user interface as recited in claim 1, and claim 1 patentably distinguishes over Rogers under this interpretation. If the examiner maintains the rejection of claim 1 using this interpretation of Rogers, it is respectfully requested that the examiner explain how call management computer 101 is being interpreted to include a user interface as claimed.

If the examiner in interpreting user workstation 114 as corresponding to the recited network device, it is respectfully submitted that the user workstation 114 does

not send a first message to a first other network device containing a reference to a second other network device as recited in claim 1. The Office Action indicates that this limitation is disclosed at column 13, lines 33-39 of Rogers. However, those lines of Rogers describe voice pathways established by call management computer 101, not by the user workstation 114. Claim 1 is submitted to distinguish over Rogers under this interpretation of Rogers as well. If the examiner maintains the rejection of claim 1 based on this interpretation of Rogers, it is respectfully requested that the examiner explain how workstation 114 sends a first message to a first other network device containing a reference to a second other network device as recited in claim 1.

Moreover, under either interpretation of Rogers, no element of Rogers includes a call transfer function adapted to send a first message to a first other network device containing a reference to a second other network device. Assume for example that Rogers' user workstation 114 is connected via call management computer 101 to a first telephone A and that the user at workstation 114 wishes to transfer the call to a second telephone B. Rogers's call management computer "instructs switches 204 to disconnect the voice path 122, instructs the appropriate trunk interface 206 to 'hang up' the call to the user and instructs the DSP 208 to return to call monitoring (column 13, lines 20-27)." Call management computer 101 also establishes a new voice pathway to the destination, wherever it may be (column 13, lines 33-35). In the above example, the call management computer would have to establish a voice pathway to telephone B. However, nothing in the above description shows how call management computer 101 sends a message to the first other network device (telephone A) containing a reference to the second other network device (telephone B). Claim 1 further distinguishes over

Rogers for this reason.

If the rejection of claim 1 is maintained, it is respectfully requested that the examiner explain how the cited portion of Rogers, describing connections made by call management computer 101, are believed to support the above rejection and identify the signal that is being sent and how that signal comprises a "first message to the first other network device containing a reference to the second other network device" so that the basis for this rejection will be clear from the record.

Claims 2-8 12 and 13 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 12 further recites that the network device is one of a telephone, a video phone, a PDA (Personal Digital Assistant), a soft phone, a wireless device, a wireless telephone, and a cell phone, and claim 13 recites that the network device is a VoIP telephone. The Office Action refers to column 13, lines 12-19 and column 14 lines 15-23 to support the rejections of these claims. While telephones may be connected to a network in Rogers, these telephones do not satisfy the limitations of claim 1, namely, these telephones do not at least send a first message to a first other network device containing a reference to a second other network device. The rejections of claims 12 and 13 suggest that the examiner is interpreting Rogers' user telephone instrument 106 and/or user workstation computer as corresponding to the claimed "network device." However, the claims are not anticipated by Rogers using such an interpretation of Rogers for the reasons provided above. Claims 12 and 13 are submitted to further distinguish over Rogers for this reason.

Independent claim 14 recites a network device adapted to process a call

between the network device and a first other network device. The network device includes a call set up function for setting up the call and a call transfer function adapted to participate in a call transfer of the call. The transfer function participates in the transfer by responding to a first message from the first other network device containing a reference to a second other network device by establishing a media path with the second other network device. Rogers does not disclose a network device with a call transfer function that responds to a first message from a first other network device containing a reference to a second network device. Claim 14 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 15-21 depend from claim 14 and are submitted to be allowable for at least the same reasons as claim 14.

Claim 22 recites a network device that includes a call set up function being adapted to set up a call between the network device and a first other network device and a call transfer function being adapted to participate in a call transfer of a call between the first other network device and a second other network device. The call transfer function is adapted to operate by, after receiving a first message from the second other network device initiating a connection between the network device and the second other network device, responding to a second message from the first other network device containing a reference to the second other network device by replacing a connection between the network device and the second other network device with an other connection between the network device and the first other network device. These limitations are not addressed in the Office Action which merely indicates that claim 22 is rejected for the "same reasons" as claim 1.

It is respectfully submitted that Rogers does not disclose a network device that receives a first message from a second other network device initiating a connection between the network device and the second other network device. Likewise, Rogers does not show responding to a second message from the first other network device containing a reference to the second other network device by replacing a connection between the network device and the second other network device with an other connection between the network device and the first other network device as recited in claim 22. The fact that Rogers' call management computer is involved in call transfers does not satisfy the sending and receiving of messages limitations of claim 22. Claim 22 is submitted to be allowable over Rogers for at least this reason.

If the rejection of this independent claim is not withdrawn, it is respectfully requested that the examiner explain where Rogers shows the sending and receiving of messages among network devices so that the basis of this rejection can be better understood.

Claims 23-26 depend from claim 22 and are submitted to be allowable for at least the same reasons as claim 22.

Claim 27 recites, in a network, a system comprising a plurality network devices on the network, each network device of the plurality of network devices comprising a user interface adapted to receive a user input requesting a call transfer and a call transfer function, where the call transfer function is adapted to:

(i) participate in a call transfer of a first call between the network device and a first other network device using local call transfer functionality, the first call being transferred from the network device to a second other network device;

(ii) participate in a call transfer of a second call between the network device and the first other network device using local call transfer functionality, the second call being transferred from the first other network device to the second other network device; and

(iii) participate in a call transfer of a third call between the first other network device and the second other network device using local call transfer functionality, the third call being transferred from the first other network device to the network device. These limitations are different than the limitations of claim 1, yet claim 27 is stated to be rejected “for the same reasons as claim 1” with no further analysis. For example, the “local call transfer functionality” limitation is not mentioned in the Office Action. Rogers does not show or suggest network devices participating in call transfers using local call transfer functionality as recited in claim 27; instead, all call transfers appear to be handled by call management computer 101 and/or a PBX in a conventional manner. Claim 27 is submitted to be allowable over Rogers for at least this reason.

If the rejection of claim 27 is not withdrawn, it is respectfully requested that the examiner explain how any network device in Rogers is believed to use local call transfer functionality as recited and satisfy each of the limitations of claim 27. For example, Rogers does not show any network device using local call transfer functionality that participates in a call transfer of a call between a first other network device and a second other network device as recited in claim 27.

Claims 28-31 depend from claim 27 and are submitted to be allowable for at least the same reasons as claim 27.

Independent claim 32 recite a computer usable medium and includes limitations generally similar to the limitations of claim 1. Claim 32 is submitted to be allowable for

at least the reasons provided above in connection with claim 1.

Claims 33-43 depend from claim 32 and are submitted to be allowable for at least the same reasons as claim 32.

Independent claim 44 recites a computer usable medium and includes limitations generally similar to the limitations of claim 14. Claim 44 is submitted to be allowable for at least the reasons provided above in connection with claim 14.

Claims 45-50 depend from claim 44 and are submitted to be allowable for at least the same reasons as claim 44.

Independent claim 51 recites a computer usable medium and includes limitations generally similar to the limitations of claim 22. Claim 51 is submitted to be allowable for at least the reasons provided above in connection with claim 22.

Claims 52-54 depend from claim 51 and are submitted to be allowable for at least the same reasons as claim 51.

Independent claim 55 recites a method related to functions recited in connection with a network device in claim 1. Claim 55 is submitted to be allowable for at least the same reasons as claim 1.

Independent claim 56 recites a method related to functions recited in connection with a network device in claim 14. Claim 56 is submitted to be allowable for at least the same reasons as claim 14.

Independent claim 57 recites a method related to functions recited in connection with a network device in claim 22. Claim 57 is submitted to be allowable for at least the same reasons as claim 22.

CONCLUSION

Each issue raised in the Office Action dated July 13, 2009, has been addressed, and it is believed that claims 1-57 are in condition for allowance. Wherefore, the withdrawal of the finality of the Office Action and reconsideration and allowance of these claims are respectfully requested. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact Scott Wakeman (Reg. No. 37,750) at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

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